D.B. CIVIL CONTEMPT PETITION NO.60/2005

Krishna Gopal Gupta **Vs**. Sh. Vinod Vaish & Ors.

Date 24.03.2006

HON'BLE MR.JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE R.P. VYAS

Mr. S.N. Trivedi for the petitioner.
Mr. V.K. Mathur for the respondents.

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Having heard learned counsel for the parties, we are of the opinion that the case for initiating the contempt proceedings has not been made out. There being no specific directions to pay the arrears of emoluments with effect from the date the promotion is granted, the question of emoluments shall have to be determined in accordance with the Rules or in absence of Rules in accordance with the principles of general applicability. That being the matter it cannot be considered a case of willful disobedience.

We therefore, discharge the notices of contempt. However, the petitioner shall be at liberty to avail his remedies to seek redressal in respect of his claim to actual emoluments for the post to which he has been promoted with retrospective date, from the date the promotion was made effective.

[R.P. VYAS], J. [RAJESH BALIA], J.

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